

CLARK HILL PLLC
DOMINIC P. GENTILE
Nevada Bar No. 1923
Email: dgentile@clarkhill.com
3800 Howard Hughes Parkway, Suite 500
Las Vegas, Nevada 89169
Tel: (702) 862-8300
Fax: (702) 778-9709

DAVID B. SMITH, PLLC
DAVID B. SMITH (*Pending Pro Hac*)
Virginia Bar No. 25930
108 North Alfred Street, 1th FL
Alexandria, Virginia, 22314
Tel: (703) 548-8911
Fax: (703) 548-8935

Defendant, Richard A. Finger, Jr.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

RICHARD A. FINGER, JR.,
Defendant.

CASE NO.: 2:22-cr-00165-JCM-DJA-1


AMENDED MOTION TO WITHDRAW AS ATTORNEY OF RECORD AND
TO WITHDRAW THE VERIFIED PETITION FOR PERMISSION TO
PRACTICE IN THE CASE ONLY BY ATTORNEY NOT ADMITTED TO
THE BAR OF THIS COURT AND DESIGNATION OF LOCAL COUNSEL
[DKT 3]

Dominic P. Gentile of Clark Hill PLLC and David B. Smith of David B. Smith, PLLC hereby file their Amended Motion to Withdraw as Attorney of Record and to Withdraw the Verified Petition for Permission to Practice in the Case Only By Attorney Not Admitted to the Bar of this Court and Designation of Local Counsel, filed November 16, 2022, [DKT 3], and request that they be removed from

1 the CM/ECF E-Notice List. In lieu of an affidavit, this Motion is based on the
2 attached declaration.

3 Respectfully submitted this 28th day of November, 2022.

4 CLARK HILL PLLC

5 
6 _____
7 DOMINIC P. GENTILE
8 Nevada Bar No. 1923
9 3800 Howard Hughes Parkway, Suite 500
10 Las Vegas, Nevada 89169
11 Tel: (702) 862-8300
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION¹ OF DOMINIC P. GENTILE

DOMINIC P. GENTILE, ESQ., declares as follows:

1. I am an attorney duly licensed to practice law in the State of Nevada. I declare that this declaration is based upon my own personal knowledge except as to those matters stated upon information and belief, and as to those matters, I believe them to be true.
2. On November 16, 2022, a Verified Petition for Permission to Practice in the Case Only By Attorney Not Admitted to the Bar of This Court and Designation of Local Counsel was filed with the Court by David Smith, who is not licensed in Nevada or this Court. [DKT 3].
3. I was prepared to act solely as local counsel to accommodate Mr. Smith and have never communicated with Mr. Finger in any manner.
4. Mr. Smith and I have known each other since the early 1980s, and I did this as a courtesy to him. I know him to be a serious criminal defense practitioner and co-author, along with another District of Columbia based colleague of mine, Terrence Reed, of the Civil Rico Manual that has been the premier treatise on the subject for going on five decades and is currently published by Lexis Nexis.
5. Counsel has subsequently had further communications with Mr. Smith in the days preceding Thanksgiving in which Mr. Smith (pending *Pro Hac* Counsel) advised undersigned counsel that Mr. Smith's and his law firm's participation in this action is no longer possible due to a breakdown in the attorney-client relationship between him and Mr. Finger.

¹ NRS 53.045 Use of unsworn declaration in lieu of affidavit or other sworn declaration; exception. Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated, in substantially the following form:

6. Withdrawal of the undersigned attorney as local counsel will not delay proceedings in this matter pursuant to LR 1A 11-6.
7. Mr. Smith requests that his Pro Hac Application, which is currently pending, be withdrawn.
8. Mr. Fingers's last known address, according to Mr. Smith, is 92 West Olympia Chase Drive, Las Vegas, Nevada 89141.
9. Based upon the above-referenced information, I ask the Court for an Order allowing me to withdraw as counsel of record and to remove me from the CM/ECF E-Notice List.

Dated this 28th day of November 2022.

CLARK HILL PLLC



DOMINIC P. GENTILE
Nevada Bar No. 1923

IT IS SO ORDERED.

DATED: November 29, 2022



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

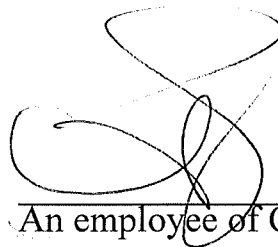
I hereby certify that on the 28 day of November, 2022, I served a copy of the foregoing **AMENDED MOTION TO WITHDRAW AS ATTORNEY OF RECORD AND TO WITHDRAW THE VERIFIED PETITION FOR PERMISSION TO PRACTICE IN THE CASE ONLY BY ATTORNEY NOT ADMITTED TO THE BAR OF THIS COURT AND DESIGNATION OF LOCAL COUNSEL [DKT 3]** with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system which will send notification of such filing(s) to the following:

Christopher Chiou christopher.chiou@usdoj.gov, CaseView.ECF@usdoj.gov,
veronica.criste@usdoj.gov

Vincent Creta vincent.creta@usdoj.gov

I further certify that some of the participants in the case are not CM/ECF users. I have mailed the forgoing document by U.S. Mail, postage prepaid to the following non-CM/ECF participants:

Richard Finger, Jr,
92 West Olympia Chase Drive
Las Vegas, Nevada 89141



An employee of CLARK HILL PLLC